

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

EVELYN MAYS

PLAINTIFF

VS.

CIVIL ACTION NO. 1:09CV-00024-DAS

MICHAEL J. ASTRUE,  
Commissioner of Social Security

DEFENDANT

**AMENDED ORDER AWARDING ATTORNEY'S FEES**

Before the court is the claimant's motion (# 19 ) for payment of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for Social Security Disability Insurance Benefits. By Order (# 17) dated October 9, 2009, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA on the ground that the Commissioner's position was not "substantially justified." By the motion and attached exhibits, the claimant requests an award in the total amount of \$4,972.28, which represents 28.7 hours of attorney time at the rate of \$173.25 per hour and \$350.00 in costs for the filing fee for this action. The Commissioner agrees that the plaintiff is entitled to the total amount requested.

The court, having considered the foregoing and the record of this case, finds the requested amount of attorney's fees is reasonable and appropriate and that the claimant's attorney should also be reimbursed the requested amount in costs. Therefore, it is

**ORDERED** that the claimant's motion for payment of attorney's fees under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant's attorney \$4,972.28 in attorney's fees.

**IT IS FURTHER ORDERED** that the claimant's attorney is hereby awarded \$350.00 which is to be paid from the Judgment fund.

**ORDERED NUNC PRO TUNC AS OF** October 26, 2009.

This 30<sup>th</sup> day of October, 2009.

/s/ David A. Sanders  
U. S. MAGISTRATE JUDGE